

BEFORE THE
FEDERAL COMMUNICATION COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

CC Docket No. 98-78

In the Matter of

Petition of the Association for Local)
Telecommunications Services (ALTS) for a)
Declaratory Ruling Establishing Conditions)
Necessary to Promote Deployment of)
Advanced Telecommunications Capability)
Under Section 706 of the Telecommunications)
Act of 1996)

To: The Commission

COMMENTS OF
NETWORK ACCESS SOLUTIONS, INC.

Network Access Solutions, Inc. ("NAS") is one of a number of companies formed specifically to provide telecommunications service to end users based on the family of digital subscriber line ("xDSL") technologies. xDSL technologies permit the transmission of data over ordinary telephone loops at much higher speed than is possible using either analog or ISDN modems. Upon completion next month of its Virginia beta test, NAS will use xDSL technology to provide special access service. The NAS special access offering will provide computer users with a high-speed connection to the Internet.

An xDSL access service provider like NAS provides service by obtaining local loops and collocation service from the incumbent LEC that operates in the area. The xDSL provider then deploys xDSL electronics on both ends of each loop it has obtained from the LEC, and it connects

each of these loops to a local point of presence of an ISP by obtaining transport facilities either from the LEC as an unbundled network element or from another source.^{1/}

DISCUSSION

The Commission should grant those aspects of the ALTS petition that are designed to ensure that carriers may obtain access to the facilities and services of incumbent LECs that are necessary to provide xDSL access service. The action that NAS proposes is described below.

Loop unbundling. The Commission should reaffirm that incumbent LECs must offer loops capable of use in providing xDSL access service ("xDSL-capable loops") as an unbundled network element.^{2/} While Bell Atlantic has requested forbearance from the requirement to make available loops to a carrier for provision of xDSL access service, the Commission should deny that relief for reasons discussed by NAS in its comments on the Bell Atlantic petition.^{3/} NAS hereby incorporates those comments by reference.

Not only should the Commission reaffirm the requirement that incumbent LECs provide *xDSL-capable* loops as an unbundled network element, it also should make clear that incumbent

1/ While some carriers use a single xDSL-capable loop to provide an end user with both dedicated high speed data transmission and traditional voice telephony (*see, e.g.*, Petition of SBC LECs at 7-10, CC Dkt. No. 98-91, filed June 9, 1998), NAS initially will use loops to provide its customers solely with high speed data transmission.

2/ ALTS Petition at 14-17.

3/ NAS Comments, CC Dkt. No. 98-11, filed April 6, 1998.

LECs have a duty to provide *xDSL-equipped* loops as an unbundled element when those loops are provisioned through a digital loop carrier or similar remote terminal.^{4/} A loop of this type is xDSL-equipped if the incumbent LEC has installed an xDSL line card in the remote terminal through which the loop is provisioned. Although some incumbent LECs have requested relief from the requirement to provide such loops as an unbundled element,^{5/} granting that relief could keep carriers that compete with the incumbent LEC's xDSL service from obtaining the ability to serve a customer served by this type of loop. This is so since xDSL service technologically cannot be provided over such loops unless xDSL line cards are installed in their remote terminals, and a LEC typically prohibits other carriers from deploying xDSL line cards in the LEC's remote terminals.

In order to protect competition in the xDSL access market, the Commission should take one step with respect to loops provisioned through remote terminals beyond making plain that LECs have a duty to provide them to competitors as an unbundled loop even when equipped by the LEC with xDSL line cards. Specifically, the agency should make clear that the existing requirement for an incumbent LEC to permit carrier collocation at any technically feasible point mandates that the LEC permit collocation of a *competitor's* xDSL line card in the incumbent LEC's remote terminals. Clarifying existing FCC policy in this way would protect competition since without a collocation right, a customer served by a loop provisioned through a remote terminal would be precluded from

4/ ALTS Petition, Attachment A.

5/ See SBC, Bell Atlantic, Ameritech, and US West Petitions, CC Dkt. Nos. 98-91, 98-11, 98-26, and 98-32, respectively.

obtaining xDSL access service from *any* carrier if the incumbent LEC does not offer such service. Clarifying FCC policy in this manner also would protect xDSL competition even if the incumbent LEC has equipped the loop's remote terminal with an xDSL line card since without a collocation right the customer would be limited to obtaining service that is technologically compatible with the incumbent LEC's particular xDSL line card rather than a potentially wider array of xDSL offerings that may be possible if the competitor's line card also is installed in the terminal.

Require nondiscriminatory access to OSS. Since nondiscriminatory access to incumbent LECs' operational support systems ("OSS") is critical to the deployment of competitive xDSL access service,^{6/} the Commission should adopt the performance measurements and performance standards that NAS has proposed in its comments in the FCC's OSS implementation proceeding.^{7/} NAS's comments in that proceeding are hereby incorporated by reference.

Update central office collocation rules. Finally, the Commission should make plain that its central office collocation policies (i) require that incumbent LECs provide xDSL access providers with right to obtain either small collocation cages (*e.g.*, 25 square feet) or cageless collocation; (ii) permit collocators in a given central office to share a single collocation cage and establish cross-connections to cages of other collocated carriers; (iii) permit xDSL providers to collocate xDSL line cards, Internet routers, and remote switching modules; and (iv) require reasonable and

6/ *Id.* at 22-24.

7/ See NAS Comments in *Performance Measures and Reporting Requirement for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance*, CC Docket No. 98-56, filed June 1, 1998.

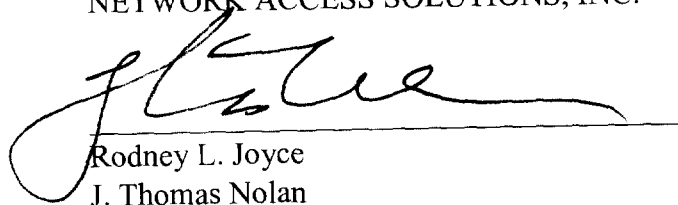
nondiscriminatory deployment intervals for collocation arrangements.^{8/} While carriers providing xDSL access service require central office collocation arrangements, they do not need to collocate the same types of equipment and do not require the large amount of space needed by collocators providing telephony.

CONCLUSION

The Commission should confirm that both xDSL-capable loops and xDSL-equipped loops must be provided as unbundled elements, and it should make plain that carriers have a right to collocate xDSL line cards in remote terminals. In addition, the agency should confirm that the OSS performance measurements and standards that NAS has recommended are required by law, and it should make plain that its central office collocation policies reflect the needs of carriers providing xDSL access service.

Respectfully submitted,

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8/ ALTS Petition at 18-22.